

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 21-25 and 32-35 are pending in the application, with claim 21 being the sole independent claim. Claims 21 and 34 are sought to be amended. Applicant reserves the right to prosecute similar or broader claims, with respect to the amended claims, in the future. New claim 35 is sought to be added. Support for the amendment to claims 21 and 34, as well as new claim 35, may be found, for example, at paragraphs [0021]-[0023] of the as filed specification. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejection under 35 U.S.C. § 103

Claims 21-25 and 32-34 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 5,404,405 to Collier et al. (“Collier”) in view of U.S. Patent No. 4,716,589 to Matsui (“Matsui”), and in further view of U.S. Patent No. 6,002,726 to Simanapalli et al. (“Simanapalli”). For the reasons set forth below, Applicant respectfully traverses.

Independent claim 21 recites features that distinguish over the applied references. For example, claim 21 recites, among other features (emphasis added), “a denominator

device that estimates a value $1/X(n)$ based at least in part on a prior estimated value of $1/X(n)$ **and a transition speed of $X(n)$.**”

The Examiner, on page 3 of the present Office Action, explicitly agrees that Collier does not teach or suggest “a denominator device that estimates a value $1/X(n)$ based at least in part on a prior estimated value of $1/X(n)$.” Since Collier does not teach or suggest “a denominator device that estimates a value $1/X(n)$ based at least in part on a prior estimated value of $1/X(n)$,” then logically Collier cannot teach or suggest (emphasis added) “a denominator device that estimates a value $1/X(n)$ based at least in part on a prior estimated value of $1/X(n)$ **and a transition speed of $X(n)$** ” as recited by claim 21.

Matsui is directed towards a circuit for demodulating a multivoice signal. (Matsui, at Abstract.) Like Collier, Matsui does not teach or suggest (emphasis added) “a denominator device that estimates a value $1/X(n)$ based at least in part on a prior estimated value of $1/X(n)$ **and a transition speed of $X(n)$** ” as recited by claim 21, nor has the Examiner alleged that Matsui teaches or suggests such a feature.

Simanapalli does not cure the deficiencies of Collier and Matsui noted above. The Examiner, in support of the rejection of claim 21, cites to Figures 2 and 3 of Simanapalli as allegedly disclosing “a denominator device that estimates a value $1/X(n)$ based at least in part on a prior estimated value of $1/X(n)$.” (Office Action, p. 4). Without acquiescing to the propriety of the rejection, even if we assume, for the sake of argument, that Simanapalli teaches estimating a value $1/X(n)$ based at least in part on a prior estimated value of $1/X(n)$, Simanapalli still fails to teach or suggest (emphasis added) “[estimating] a value $1/X(n)$ based at least in part on a prior estimated value of

1/X(n) and a transition speed of X(n)” as recited by claim 21. Simanapalli simply does not teach or suggest this bi-condition estimation feature of claim 21.

For at least the foregoing reasons, independent claim 21 is patentable over the combination of Collier, Matsui, and Simanapalli. Dependent claims 22-25 and 32-35 are similarly patentable over the combination of Collier, Matsui, and Simanapalli for at least the same reason as claim 21, from which they depend, and further in view of their own respective features. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 21-25 and 32-34, as well as favorable consideration of new claim 35.

Obviousness-Type Double Patenting Rejections

The Examiner has rejected claims 21-25 under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1, 3, and 9 of U.S. Patent No. 7,006,806 (“the ‘806 patent”). (Office Action, page 5).

Applicant respectfully requests that the currently asserted double patenting rejection be held in abeyance until claimed subject matter is otherwise deemed allowable. After analyzing the final allowed claim scope, Applicant will consider filing a terminal disclaimer if necessary to overcome an obviousness-type double patenting rejection.

Other Matters

The Office Action has not indicated whether the drawings have been accepted. Applicant assumes, absent an indication to the contrary, that the drawings are accepted.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Jason D. Eisenberg
Attorney for Applicant
Registration No. 43,447

Date: 1/21/09

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

920192_1.DOC